

LFUCG
Infill and Redevelopment
Steering Committee

Recommendations
April 10, 2008

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**Recommendations
February, 2008**

Background

Attention to infill and redevelopment has been an important element in our community's overall strategy to preserve our green space and rural heritage, and to protect and enhance our natural and built environment.

In 2000, the LFUCG created an Infill/Redevelopment Steering Committee formed of elected and appointed officials, development and neighborhood interests and LFUCG staff. Under this committee's efforts, a residential infill and redevelopment study was completed in 2001 to address many concerns regarding the challenges and opportunities of infill and redevelopment in older neighborhoods. The Infill and Redevelopment Steering Committee has been operating since that time to ensure that the recommended strategies of improved regulation, facilitation, incentives, and education are implemented, and to foster new initiatives related to infill and redevelopment.

The 2007 Planning Commission decision not to approve any expansion of the Urban Services Boundary increased community interest in exploring greater use of innovative techniques to encourage increased and accelerated use of infill and redevelopment. The Infill and Redevelopment Steering Committee of the Urban County Council created three Task Forces to study and review aspects of infill and redevelopment: Quality of Life, Quality of Place, and Quality of Process. Each Task Force was charged with developing a report on its subject area for the Steering Committee. In addition, a Core Committee focused on the overall process. Membership of the Steering Committee, the Core Committee, and the Task Forces and their respective charges are included in Appendix 1.

The three Task Forces completed their work in December, 2007. The Steering Committee integrated the work of the three Task Forces and developed a comprehensive preliminary draft with recommendations that was shared with the public in hard copy, on-line, and through a public meeting for initial feedback. The Steering Committee then developed a revised final draft that integrated public comments. That revised draft was then shared with the public for final comments at a second public meeting.

Overview

These recommendations reflect a desire to promote and encourage all types of appropriate infill and redevelopment projects, subject to state and federal regulatory processes, so that these projects are able to accommodate the continuing growth in our community. The recommendations are based on the underlying premise that all parts of Fayette County within the Urban Services Boundary should be included when considering new regulations or modification of existing regulations pertaining to infill and redevelopment. Relying on the more traditional concepts about where infill and redevelopment can and should occur would limit the extent of infill and redevelopment projects and their overall usefulness for our community. However, to preserve and enhance the present momentum of infill and redevelopment in and near downtown, when considering incentives of any kind, the primary focus should be on the area in and near downtown. In addition, it is important to note that any specific infill and redevelopment proposals need to take into account and respect the significant differences and consequent differing needs in three broad geographic areas: in and near downtown; inside and immediately adjacent to New Circle Road; beyond New Circle Road and inside the Urban Services Boundary.

Infill and redevelopment projects have the potential to use available infrastructure more efficiently, to preserve the natural environment, and to serve as catalysts for more dynamic, engaging and diverse built environments. These projects can be critical in rebuilding the fabric of the city, eliminating potential neighborhood deterioration, and fueling additional reinvestment and activity within the city.

The desire to promote and encourage these projects, however, must be balanced by a number of other, sometimes competing, considerations. These considerations include:

- Consistency and compatibility with existing uses, and contributions to them;
- The quality and quantity of available infrastructure;
- Affordability of housing;
- The design and function of new development;
- Positive aspects of the existing regulatory framework.

All recommendations are thus subject to constraints related to these competing considerations.

Problem Statement

Lexington stands poised at a unique moment in its history. A city that has always prided itself on its progressive development policies, including the establishment of the nation's first urban growth boundary in 1958, now has the opportunity to fully capitalize on its unique culture, economy and physical landscape. Through a proactive approach, the city can preserve the surrounding Bluegrass landscape that provides its cultural identity, more efficiently utilize existing infrastructure, better protect established neighborhoods from

unwanted development pressures, and set new standards for well designed, sustainable development.

An underlying premise of the 2007 Comprehensive Plan Update was that development should occur within the established Urban Services Boundary (USB), and infill development should occur within vacant or underdeveloped parcels before additional land is included in the expansion of the USB. To meet the desired effect of increased infill and redevelopment, strategies are needed that can incent and encourage builders and developers to look “inward” for infill projects. These projects have traditionally had more difficulty attracting development interest due to what are often perceived as onerous and cumbersome permitting, regulatory, and land assemblage issues.

In outlying areas our local developers and builders have more flexibility in design when meeting the needs of the marketplace, whereas infill sites come with a regulatory, market and aesthetic context the builder must work within that is more difficult to change or alter. Therefore, an entirely different set of development constraints exists. For some sites the context works just fine and a builder can produce developments that fit right into the landscape and its surroundings. For other sites, a builder cannot replicate the existing patterns and have a successful project. Without the ability to be innovative and break from the established context, many parcels will remain undeveloped or underutilized.

As development has continued to move outward from the central sectors of our community over the last decades, infill land has been left undeveloped or underdeveloped along the way. These parcels of land can range from small infill lots to sizeable acres of land that are available or will become available, such as: Eastern State Hospital; East Third Street Corridor; the Southend Park Neighborhood; vacant schools and numerous abandoned, dilapidated, underutilized or vacant industrial, housing and commercial parcels located within established neighborhoods which have evolved in their own unique identifiable ways.

As Lexington-Fayette Urban County Government (LFUCG) develops a set of strategies that promote and encourage infill and redevelopment, significant changes will be required in development patterns, trends, designs and processes. The following set of recommendations recognizes that we must be realistic when addressing differing conditions within the Urban Services Boundary, a concept that has withstood decades of debate and challenges and has defined development patterns by promoting changes in the way future development, and especially infill development, should occur. The rewards of an urban infill program will entail some risks and require some changes in the way we think about and process urban development projects, but the payoffs should be substantial and significant.

The Opportunity

This is where innovation and opportunity can come together. Higher densities, different product types and new development standards, combined with a focus on emerging

markets, affordability and sustainable communities, can turn unattractive infill sites into profitable opportunities for builders that understand and can meet the critical needs. The recommended strategies described on the following pages will enhance infill and redevelopment through incentives, regulatory changes, process improvements and design and development approaches.

Encouraging infill and redevelopment supports public policy objectives to preserve the distinctive Bluegrass landscape, to more efficiently use available infrastructure, to create dynamic, pedestrian-oriented districts and to preserve existing residential neighborhoods from over-development by steering new development into appropriate locations. To understand the physical opportunity within the Urban Services Boundary (USB), the following categories of “infill and redevelopment opportunity” were identified:

- Vacant Land (includes surface parking lots)
- Unoccupied Structures
- Underutilized Property (partially occupied, demonstrating significant renovation need)

The Division of Planning recently carried out a city-wide survey of these categories of potential infill and redevelopment properties. This analysis, which is illustrated in the attached maps, generated the following quantifications:

- Acres in Downtown = 116 acres
- Acres outside of Downtown, but near New Circle Road = 568 acres
- Acres outside New Circle Road but within the USB = 4011 acres

The conceptual analysis concluded that these properties could accommodate over 14,000 housing units (including roughly 3,500 Downtown), over 50,000,000 sq. ft. of office/commercial/retail and almost 100,000,000 sq. ft. of industrial, warehouse and research space, under the current Comprehensive Plan. These numbers point to the significant opportunity to accommodate new growth within the USB and the possibility that some industrial property could be converted to other uses. According to the Comprehensive Plan, Lexington-Fayette County is expected to grow by approximately 30,000 people by 2030, and current underutilized land could be proactively considered as an appropriate location for some of this growth. Additional opportunities where “economic underutilization” occurs (generally areas where the improvement value to land value is a very small ratio) could also be considered, but as part of more detailed Small Area Studies that allow for a more careful analysis.

The framework that defines infill and redevelopment opportunities is complex and will require the cooperation of local government, builders/developers and neighborhoods to foster a more interactive and involved development environment. The framework for the recommendations and the opportunities that will be created includes the following considerations.

Political Considerations

1. Build public awareness and acceptance through an ongoing educational campaign.
2. Create an environment of innovation and process improvements with positive outcomes, and benchmarks to monitor success.
3. Sustain additional staff and financial resources to assist in the implementation of the infill recommendations.

Development Considerations

1. Make affordable housing a cornerstone of infill development with incentives and development process improvements and a comprehensive strategy for ensuring affordability.
2. Create a more level financial and regulatory environment that promotes and encourages all types of infill and redevelopment.

Marketing Considerations

1. Develop a comprehensive strategy for housing affordability that will assist in the provision of affordable infill housing while also addressing the need for housing affordability.

Design Considerations

1. Design sites for livability and functionality.
2. Help new developments fit well into infill neighborhoods.
3. Encourage more investment in the creation of a pedestrian-oriented public realm.

Regulatory Considerations

1. Develop new development codes that encourage and incent development within the infill areas and encourage high quality design, but that respect the inherent differences in geography and Character Areas.
2. Develop processes that promote and encourage innovation and infill.

Policy Framework

The following policy framework was developed to accommodate varying conditions and varying policy responses through the use of “Character Areas” that reflect diverse physical characteristics and could include policies and programs tailored to each type of condition.

Neighborhoods - predominantly residential areas with issues of historic preservation, compatible development and conservation. Examples include East End, Landsdowne-Merrick, Gardenside and Hartland.

Potential Zoning Tools: Conservation overlays for Neighborhoods (H-1, refined ND-1 and any others) – existing overlays provide tools to address issues of conservation and compatibility within neighborhoods, including building setback, building footprints, building forms and protecting natural resources.

Corridors - the defining system of “hub and spokes” that links Neighborhoods and Centers and defines the city’s transportation network. Examples include Richmond Road, Broadway, and Versailles Road. Strategies in these corridors are two-fold: to support the creation or enhancement of Centers at accessible locations along the Corridors and to support a unified plan of multi-modal transportation, access management, streetscapes and gateways.

Potential Zoning Tools: Overlay Districts for Corridors (access management and public space requirements) – within the defining system of Corridors that create much of the physical image of the city, overlay districts that address standards of streetscape, landscaping, environment and access management could be overlaid on existing zoning classifications to support a unified corridor enhancement program. Aggressive public improvement projects for priority streetscapes could leverage private sector investment through the establishment of the standards.

Centers - the major commercial and cultural centers of the city. They include Downtown and several other Regional Centers, with smaller-scale activity Town Centers and Neighborhood Centers. Many existing centers could be retrofitted in a more pedestrian-friendly manner. These Centers are the likely locations of mixed-use development over time. Examples include Turfland Mall and Romany Road.

Potential Zoning Tools: New Zoning Classifications for Centers (Downtown, Regional, Town, Neighborhood) – a proactive approach to encouraging the right scale of mixed-use development, compatible with existing fabric, in the emerging Centers would be creating new form-based, mixed-use zoning classifications for varying scales of Centers. The existing “MU” category is an effective tool for individual property rezoning on a case-by-case basis.

Unique Districts - these are unique, relatively homogeneous areas of special use that do not fit within easy categorizations of policy regarding land use and design (i.e., UK, industrial districts.) These areas are meant to recognize areas of unique development patterns that would not necessarily be the subject of the general character areas defined above.

Recommendations

A. Policy Recommendations

1. Land Use and Design:

a. Site Design Standards: In priority Centers, LFUCG should create and institutionalize a set of Site Design Standards that discourage additional automobile-oriented development, encourage building orientation towards the street, establish relaxed/consistent building setbacks and height limitations compatible with existing development, strengthen light pollution standards, encourage greater use of rear and side parking screened from public rights-of-way and screened services such as dumpsters, and require pedestrian connections to the front doors of new development.

b. Transitional Requirements: Within the transitional areas between Centers and Corridors and Neighborhoods, LFUCG should establish standards that mandate minimum buffers and create transitional height planes that address scale and height adjacent to existing lower-scale development, as well as compatibility with the character and form of existing surrounding development.

c. Signage Standards: In areas of commercial and mixed-use redevelopment, unified private signage of a common vocabulary and standardized location and size should be encouraged. However, within the Downtown Center, additional flexibility for private signage identifying establishments should be considered, and city-wide standards should ensure flexibility to support identity for special districts through signage in these unique areas. Perpendicular signs should be allowed downtown. Signage standards should support signage oriented to both automobiles and to pedestrians and bicyclists. Implementation of the previously adopted ordinance on amortization of non-conforming signs should be deliberately reviewed by the LFUCG.

d. Minimization of Billboards: Within the Corridors and priority Centers, billboards should be minimized through locational standards. Where feasible, non-conforming billboards should be amortized over time. Potential economic or monetary incentives to the sign owners for the removal of non-conforming billboards should be investigated by LFUCG. Implementation of the previously adopted ordinance on amortization of non-conforming signs should be reconsidered by the LFUCG.

e. Historic Structures: Identification of additional potential historic resources, including areas outside of Downtown and existing Historic Districts, should be considered. The

preservation and/or adaptive reuse of historic structures and landmarks should be encouraged through regulatory and financial incentives.

f. Overlay Districts: Investigate an alternative overlay that combines aspects of H-1 and ND-1. Ensure that the inherent nature of the present H-1 and ND-1 overlays be maintained.

2. Environmental Considerations:

a. Environmental Standards: LFUCG should create/modify a unified document incorporating existing studies and standards into a set of city-wide policies and standards that encourage the highest level of environmental sustainability, particularly on projects with public investment. Categories that could be addressed include Site Selection, Water Management, Natural Resources Management, Green Building and Green Infrastructure. In addition, previous and emerging programs of floodplain protection, potentially associated with water quality initiatives, offer opportunities to create new usable open space and greenways contributing to the city's overall Greenway Master Plan. Programs and plans that support streambed restoration should be incorporated into public infrastructure projects and private developments. The 2007 LFUCG Comprehensive Plan details existing conditions and possible considerations in the area of Green Infrastructure and Stormwater Management Standards. Potential sustainability objectives, many of which are supported by the concept of Infill and Redevelopment, could include:

- 1) Reducing pollution from construction activities by controlling soil erosion, waterway sedimentation and airborne dust generation;
- 2) Avoiding development of inappropriate sites and reducing the environmental impact from the location of a building on a site;
- 3) Channeling development to urban areas with existing infrastructure, protecting greenfields and preserving habitat and natural resources;
- 4) Rehabilitating damaged sites where development is complicated by economic development contamination, reducing pressure on undeveloped land;
- 5) Reducing pollution and land development impacts from automobile use;
- 6) Preserving existing natural areas and restoring damaged areas to provide habitat and promote biodiversity;
- 7) Providing a high ratio of open space to development footprint to promote biodiversity; the Task Force recognizes that special considerations will need to be made in urban environments to promote centralized, shared open space rather than high ratios of open space on individual properties.
- 8) Limiting disruption of natural hydrology by reducing impervious cover, increasing on-site infiltration, and managing stormwater runoff, including removing pollutants from runoff.

* Listed items are from the Green Building Council's New Construction & Major Renovation Reference Guide, Second Edition, September 2006

b. Environmental Incentives: Infill and redevelopment efforts should publicize available tax credits and financial incentives associated with sustainable development and environmental considerations. LFUCG could consider locally-based incentives for green building, including regulatory incentives.

c. Brownfields & Greyfields: Many areas appropriate for infill and redevelopment are underutilized properties. These may have associated environmental contamination as a result of changing uses over time. LFUCG should develop a comprehensive program to identify potential brownfields suitable for infill and redevelopment and leverage federal grants and incentives to help mitigate the larger development costs often associated with these properties.

d. Shared Detention Facilities: A likely challenge from additional requirements for stormwater management requirements will be the financial obstacles of natural and structured detention, particularly in areas of redevelopment. Strategies that encourage the construction of shared detention facilities that can address water quality and provide public and private amenities should be adopted where appropriate.

3. Infrastructure, Public Facilities & Utilities:

Similar to the process of prioritizing planning efforts, a process to determine the highest priorities for infrastructure improvements, including stormwater and sanitary sewers, utilities and other public facilities, should be created, mindful of pre-existing commitments to capital improvement projects.

a. Utilities: The presence of overhead utilities is a significant blight on many of the Character Areas. As public improvements and redevelopment occur, programs that encourage the burial, relocation or minimization of existing utility lines should be considered. Project budgets for burying/relocating utilities in priority areas, including most of Downtown, and highly visible Centers and Corridors, should be included. LFUCG should adopt a 10-year plan to bury or relocate overhead utilities, beginning downtown and moving out in all directions. Ideally, programs and incentives that encourage private sector contributions to these costs should be created. Many strategies will need to include programs to assist private property owners with upgrades and modifications to service points and systems to accomplish removal or relocation. LFUCG should seek sources of funds, such as SAFETEA-LU funds, and user fees for larger projects to assist with utility burial. Costs of burying overhead lines are estimated at approximately \$3 million/mile.

b. Maintenance Funds: Capital budgets should be increased for the study and maintenance of existing infrastructure systems. Budgets and projects should be established through the annual Capital Improvement Plan (CIP), but additional funding on an annual basis will be needed to implement identified projects.

c. Public Facilities Provision: Respective LFUCG departments should create specific financial, locational, and functional standards for the provision of public facilities such as police and fire stations, community centers, libraries and other community facilities. Public/private partnerships to secure potential locations for new facilities to serve increased densities should be considered. The definition of “adequate public facilities” in the current Zoning Ordinance should be expanded to describe these considerations, along with the provision of street, sewer and public space, where such public/private partnerships may prove feasible. In areas of infill and redevelopment, consideration should be given to ensuring adequate access for police, fire and sanitary service vehicles within public rights-of-way. More flexibility is needed for solid waste pickup within the highly urbanized areas. Smaller garbage trucks and compactor pickup may be ways to accommodate denser projects. As much as possible, all information, including development tracking, could be integrated in Geographic Information Systems (GIS).

d. Growth Modeling: LFUCG should refine its ability and decision-making process for planning infrastructure systems for increasing demands on existing infrastructure. Upcoming studies related to major infrastructure systems of water and sanitary sewers, combined with existing studies on transportation systems could be utilized to test “growth scenarios” of existing land use plans to identify fatal flaws and priority upgrades/expansions.

4. Transportation:

a. Access Management Standards: Standards should be refined and adopted that establish access management strategies in areas of infill and redevelopment and improvement, particularly Corridors. These standards could minimize the number of curb-cuts, establish maximum sizes for driveway aprons, encourage “inter-parcel access” between adjacent properties and address issues of sight distance, intersection design/approaches and other technical considerations. Access management standards should recognize differences in urban (and emerging urban) versus more suburban locations.

b. Street Framework Studies: In larger areas of infill and redevelopment, particularly large property assemblages, LFUCG should explore the creation of “street framework studies” for new development that include consideration of new local street connections with a maximum block size based on connectivity standards encouraging pedestrian-friendly streets. There should also be better cross artery connections, and sidewalk design continuity. In Corridors, consideration should be given in Small Area Studies and private property redevelopment for the creation of “backage” roads that provide local access to commercial and mixed-use development by building parallel street networks off of the main arterials. Finally, incentives should be considered that do not penalize donations of new right-of-way for local street and bike/ped connections against allowable Floor Area Ratios (FAR.)

c. Traffic Calming: Increasing pressures of infill and redevelopment in proximity to established residential neighborhoods will necessitate a more aggressive program of pedestrian and bicycle projects in addition to traffic calming measures. Measures that

discourage cut-through traffic and narrow the perceptible width of larger streets should be considered in case-by-case studies to mitigate impacts on neighborhoods.

d. Parking Requirements: To encourage pedestrian-friendly communities and transit-oriented development, particularly in Downtown and the other Centers, LFUCG, and the Lexington Parking Authority, should consider established “pedestrian pocket” and “transit-oriented development” parking requirements in appropriate areas that would relax minimum parking requirements, encourage shared parking arrangements and perhaps set maximum parking allowances. Structured parking decks need established standards, including architectural appearance, encouragement of an activated ground level and a preference for side street entrances where feasible. Existing buffering ordinances could be applied to non-conforming surface lots. Finally, all parking, both surface and structured, should be buffered by landscaping, public art, retail or other uses.

e. Transit Facilities: Provision of covered bus/transit shelters should be encouraged within existing and new development, and stops and routes should be more clearly identified with more visible signage. LexTran and LFUCG should continue to work together to find opportunities for new transit service while reducing travel times on existing routes. Downtown mobility should be supplemented by consideration of a dedicated transit circulator, linked to surrounding University communities. Current plans for Park and Ride facilities should be further explored. Light rail should be considered when areas are redeveloping.

f. Bike & Ped Facilities: LFUCG should continue to expand and refine the recent Bicycle and Pedestrian Plan and should include bike and pedestrian standards within the “Complete Streets Standards.” Connectivity of bicycle and pedestrian facilities should continue to be emphasized during planning and development. New development of a large size should be encouraged to provide supportive facilities of bicycle parking and shower facilities. LFUCG should promote walkability, especially around the Universities.

5. Public Space:

a. Streetscape Standards: As part of the development of “Complete Streets Standards,” LFUCG should develop guidelines for adequate planting strips, street furnishings (such as benches, trash cans, water fountains and publication stands), landscape species (with a preference for native and low-maintenance species) and hardscape materials. In addition, consideration should be given for allowing certain “high impact” streetscape items (such as gateways, signage and decorative lighting) to accentuate the identity of individual communities.

b. Parks and Open Space Standards: LFUCG should update and implement quantifiable standards for the provision of parks and open spaces. Standards should address locational frequency, public accessibility, and program for new and improved parks and open space.

In addition, new regulatory improvements should further define and place emphasis on the provision of **usable** open space within new development.

c. Public Space Projects: Potential public space projects include streetscapes within Centers, Corridors, and Neighborhoods; new greenways linking major destinations along environmental features and travelways; new parks and plazas within Centers; and the installation of community gateways, landmarks and public art. Incentives and regulations should be created for private provision of these amenities within regulatory improvements. Priority areas for these projects would be Downtown, Corridors and areas near or within New Circle Road, and priority should be given to completing major installations related to the 2010 Alltech World Equestrian Games. A Public Art and Culture Master Plan should be developed.

d. Maintenance: New public space projects should be mindful of maintenance considerations of cost, installation, durability, and material. A supply of additional materials for maintenance should be included in new projects and increasing funding for maintenance will be necessary. LFUCG should encourage public/private partnerships and non-profit groups (i.e., the Triangle Foundation) to help maintain new and improved public spaces.

e. Implementation Structure: To accentuate “place,” LFUCG will need to be much more aggressive and proactive with a program of streetscapes, greenways, parks, plazas, landmarks and public art. The scale and magnitude of this investment will require leveraging state and federal dollars (particularly related to multi-modal improvements) and private investment. The scale of the public improvement program needs a dedicated organizational and fundraising structure to carry out improvements in an expeditious manner that allows for public input on evolving projects. LFUCG should develop organizational structures designed to conceptualize, design, fundraise and construct an aggressive program of place-making improvements, with an intent to leverage any local investment.

6. Affordability and Density

a. Housing Density: Inappropriately high levels of density present challenges in a number of neighborhoods. For those closest to UK and to recently developed complexes aimed at the student population, maintaining or restoring a balance between students and other residents is a concern. In other areas, overcrowding in existing housing presents a challenge. These issues need to continue to be studied and addressed.

b. Overall Housing Affordability: Housing affordability is an important element in the debate on infill and redevelopment. Adopted policies should encourage the availability of affordable housing to all economic segments of the community’s population, promote a variety of residential densities and housing types and encourage the preservation of existing housing stock. A variety of infill and redevelopment mechanisms are being

recommended to ensure that an adequate supply of affordable housing is provided, including:

1. Expanding the range of allowable lot sizes
2. Providing density bonuses for inclusion in affordable housing developments
3. Encouraging mixed-use developments
4. Allowing accessory dwelling units
5. Offering tax incentives
6. Encouraging urban design that blends increased densities into existing neighborhoods
7. Enhancing and streamlining the development review process to incent housing affordability.

The recommendations of the Task Forces may have the effect of improving the market for housing affordability, but additional analysis is needed to determine the scope and extent of housing affordability and efforts to adequately balance the burdens of meeting the needs of affordable housing with the desire to craft an effective infill and redevelopment strategy.

The recommended infill and redevelopment strategies can have the net effect of increasing land supplies and markets for additional housing units and may contribute to downward pressure on housing prices if demand is more closely aligned with housing affordability.

LFUCG should develop a comprehensive strategy for housing affordability that would address housing market demands through an analysis of market conditions and housing affordability. This recommendation would expand on the LFUCG Consolidated Plan and be of value in the development of Small Area Plans such as the East End and Central Sector Plans currently under review. Successful economic development efforts also are critical to housing affordability. LFUCG must ensure that economic development efforts are in place to increase our income growth.

c. Low-income and Moderate-income Housing Affordability: A number of strategies and incentives should be used to encourage the increased availability of low-income housing and moderate-income housing. LFUCG should make efforts to ensure that people who have historically lived in a neighborhood be able to continue to live in the neighborhood after redevelopment has occurred. (Low-income and moderate-income housing is often referred to as “affordable housing”. Definitions of Affordable Housing Unit and Mixed-income Housing Unit, and eligibility requirements, are included in Appendix 5. More extensive descriptions of the proposed strategies and incentives are included in Appendix 3.)

Incentives and Strategies for Low-income and Moderate-income Housing Affordability

1. Community Land Trust

LFUCG should expand the Lexington Community Land Trust and have it act as a land trust for other infill areas to promote affordable housing development and to be used in concert with Lexington's other not-for-profit housing providers.

2. Density Bonuses

LFUCG should provide density bonuses to developers of infill sites that designate a certain percentage of housing units for low-income and moderate-income housing, in order to encourage efficient use of the land and promote affordable housing at the same time. These bonuses should also be provided for LEED construction, and for other forms of development that encourage efficient use of the land.

Any ordinances that allow a density or intensity bonus should also provide design standards or guidelines so that the proposed redevelopment will be in context with the existing neighborhood and surrounding areas. These standards and/or guidelines could manifest as either a requirement that the additional development be made to be comparable to the existing nature of the surrounding neighborhood/area, or that through study and planning, a new character for the neighborhood/area will be set by the proposed infill and redevelopment project.

3. Low Income Tax Credits

LFUCG should provide more information about low income tax credits and more support for those applying for the credits.

4. New Market Tax Credits

Lexington needs to be more active in lobbying for these funds for use in our community.

5. Inclusionary Zoning

Inclusionary zoning should be considered as part of the community-wide effort to ensure the availability of low-income and moderate-income housing. Any inclusionary zoning efforts should include incentives that will make a difference to developers.

6. Land Assemblage

The process for land assemblage should be expedited, including the possibility of Land Assemblage Tax Credits, which may require state legislation. The creation of a Land Bank Program should also be pursued.

7. Mixed-Income Housing

LFUCG should encourage and support strategies that increase the development of mixed-income housing.

7. General Incentives

(More extensive descriptions of the proposed incentives are included in Appendix 3.)

a. Live Where You Work Program

LFUCG should expand the boundaries and eligible employers for the Live Where You Work Program, and revise the guidelines and requirements to make the program more widely accessible and used. LFUCG should also encourage home occupation opportunities.

b. Small or Irregular Lots

LFUCG should continue to allow greater flexibility (setbacks, lot sizes, other) to allow the development of irregular, small or otherwise substandard parcels that are typical in certain infill areas.

c. Federal Historic Tax Credits

LFUCG should provide more information about these tax credits and more support for those applying for the credits.

d. State Historic Tax Credits

LFUCG should provide more information about these tax credits and more support for those applying for the credits. The Steering Committee also recommends that efforts be undertaken to lobby the Kentucky Legislature for increased funding for the Historic Tax Credit Program, and to investigate the possibility of pooling credits so that smaller projects can compete for these credits.

e. Tax Abatement

LFUCG should institute programs for tax abatement that will accelerate infill and redevelopment.

f. Tax Increment Financing

LFUCG should use this tool to facilitate compatible infill and redevelopment. Direct the Downtown Development Authority and the Mayor's Office of Economic Development to implement TIFs for every project they become aware of in downtown and near-downtown areas.

g. Form-Based Codes

LFUCG should consider adopting form-based codes to accelerate infill and redevelopment.

h. Parking Regulations Review

LFUCG should do a complete review of the parking requirements related to infill and redevelopment. In particular, some requirements for on-site parking may be inappropriate or unnecessary for infill areas where transit services and other alternatives to auto use exist. Also, shared parking, on-street parking and financing of parking garage

strategies should be considered in the appropriate zoning classifications, as effective techniques to address some of the parking concerns associated with infill and redevelopment projects. Instead of buying land for development, LFUCG could help underwrite the cost of structured parking for new downtown and near-downtown developments. Implementation of this recommendation should be coordinated closely with the Lexington Parking Authority.

i. *Management Districts*

LFUCG should encourage and support creation of Management Districts to enhance services within designated geographic boundaries.

j. *Other Incentives*

1. Provide incentives to re-locate industrial uses in more appropriate areas.
2. Provide incentives to facilitate the use of street-level space in Downtown that maximizes street level circulation.
3. Provide incentives to help reface store fronts along Corridors.
4. LFUCG should pay for infrastructure rehabilitation and upgrades in older areas.
5. Offer a “Green Logo” for buildings that have units that meet approved “green” standards.
6. Tax properties at a lower rate that have units that meet approved “green” standards.
7. Institute an additional tax on vacant and blighted properties.
8. LFUCG should promote quality alternative housing.
9. LFUCG should offer a housing rehab incentive.

B. The Administrative Process

1. Expedited Permitting Process

LFUCG should expand the current Building Inspection tracking program to incorporate a multi-agency electronic permit and tracking program that effectively tracks an infill project from the initial stage to permit. This program would provide the necessary information required to efficiently manage the code and permitting process, by tracking and managing projects and ascertaining at what stage the project may be and its status. Compliance issues may be tracked, resolutions of conflicts can be detected and identified early, case management improves, and real-time tracking would be available.

An expedited permitting process should include components of an interdepartmental review system that is managed and accountable. An interdepartmental review should include all of the reviewing agencies, divisions and departments involved in planning and project reviews for a particular project or set of projects meeting together to review project plans and applications. The process needs to be institutionalized and managed, with participation by agencies, divisions, and departments mandatory. A map of the permitting process is included in Appendix 7.

In addition, there should be regular working sessions scheduled for members of Urban County Council, Planning Commission, BOAR and other relevant bodies to help ensure

a common educational framework and understanding of respective responsibilities, issues, and procedures, and to help reduce the potential for misunderstanding and conflict.

2. On-line Permitting and Tracking

LFUCG should expand the current Building Inspection tracking program with a multi-agency electronic permit and tracking program that effectively tracks an infill and redevelopment project from the initial stage to permit. The system should also track complaints in Code Enforcement. The overall aim should be to make these processes as transparent and available to the public as possible.

3. Reduced Carrying Costs

LFUCG should investigate possible ways to reduce the carrying cost of infill and redevelopment projects. Some specific ideas that should be considered include reducing or waiving fees related to infill and redevelopment projects.

4. Staff-level Approvals

All appropriate entities related to development should recommend ways to increase the scope of staff-level approvals, subject to all appropriate considerations for public participation and due process. Clearly define and expand the areas where staff approval is applicable and add that language to governing regulations.

5. H-1 Overlay / Board of Architectural Review

It is important to maintain and increase the current levels of support and appreciation for the value of historic preservation and the associated H-1 Overlay Districts, and to ensure that the H-1 Overlay becomes a more effective tool for preservation. To do so, Urban County Council, Planning Commission, and BOAR all need a common educational framework so that they work from the same page. LFUCG should also take the following actions regarding the permitting and appeals process for property owners in existing H-1 Overlay Districts, and the process for creating new H-1 Overlay Districts.

Enforcement

All approvals, inspections, and regulatory enforcement should be adhered to in the strictest interpretation of the ordinances, while also being sensitive to the complexities of infill and redevelopment projects.

Permitting Process

- a. Encourage timely completion of the current process for review and update of the H-1 design guidelines. Encourage inclusion of the following in those revisions:
 - 1) Guidelines that reflect current design applications and materials;
 - 2) Design guidelines with greater flexibility or variance provisions;

- 3) Standards that incorporate historical properties with green standards;
- 4) Standards for adapting historical mixed uses.
- b. Review staffing needs, such as for an architect and/or infill planner to help facilitate the process. Fill the vacant Historic Preservation Specialist position.
- c. Provide appropriate staff support for the Courthouse Overlay Board through the office of Historic Preservation.
- d. Enhance the Historic outreach and education program that explains the process, appeals, procedures, newsletter, etc., by increasing funding.

Creation of H-1 Overlay Districts

- a. Within the context of state law and regulation, review the process for the creation of H-1 Overlay Districts.

6. Utilities Review and Approval

LFUCG should consider adding appropriate language that improves its position vis-a-vis the utilities when new franchise agreements are negotiated. The aim of such language would be to lower costs through cooperation among utilities and through a coordinated review that improves elements such as the process for sewer and sprinkler tap-ons, and restrictions that are placed on meter locations and sizes. LFUCG also needs to be more proactive with utilities to ensure expedited review and approval, as well as to provide better coordination with them on such issues as interpretation of the right-of-way ordinances.

7. Code Enforcement

Code Enforcement approvals, inspections, and regulatory enforcement should be adhered to in the strictest interpretation of the ordinances, to ensure that developments meet the standards and quality for safe and sustainable projects, while also being sensitive to the complexities of infill and redevelopment projects.

Additional financial resources should be allocated to assist property owners that are impacted by a comprehensive code enforcement program, and there should be coordination between Code Enforcement and agencies that provide Community Development Block Grant Funds and other financial resources to assist property owners.

LFUCG should explore standards and a process for ensuring that rental property is still fit for human habitation.

8. Construction

LFUCG should establish protection for property owners adjacent to construction and a place to call when construction activity causes property damage and nuisance. There need to be clear communication and enforcement provisions.

C. Implementation

1. Comprehensive Education Strategy

A comprehensive education and outreach effort for residents, neighborhoods, the development community and others about all aspects of infill and redevelopment strategies and incentives will be required to ensure sufficient public understanding and support. This effort should include partnerships with relevant professional organizations and others in the private sector.

2. Ordinance Review

A review of the regulatory framework of the Zoning Ordinance and subdivision codes will be necessary to ensure that the codes and regulations encourage or provide incentives rather than discourage the desired effect of infill and redevelopment.

The Residential Infill and Redevelopment Study initiated the comprehensive changes in the Zoning Ordinance related to recognizing the difference in the development patterns of the older and more urban areas of the community and regulating those areas differently than the suburban areas developed after a certain period of time. The same type of review and study of the appropriate chapters of the Code of Ordinances that relate to development and maintenance of properties should also demonstrate the differing characteristics of the urban and suburban areas of Lexington-Fayette County. Once the differences are identified, they can be evaluated as to whether new standards should apply to the different areas of the city. Ultimately, new regulations recognizing the needs of the downtown and urban areas may be tailored to promote a more compact and contiguous urban core, while providing necessary regulations to ensure health, safety, and welfare of all developments.

3. Staffing

Implementation of many of these recommendations depends on adequate staffing. The Steering Committee recommends the following actions.

- a. Provide additional staff and educate staff to meet the demands of increased infill and redevelopment activities.
- b. Hire and/or assign a planner(s)/facilitator(s) to assist in the neighborhood conservation process.
- c. Re-define relevant staff responsibilities to include such activities as better coordination with federal, state and local agencies that undertake development projects.
- d. Ensure that staff members have the relevant expertise to implement proposed initiatives, and provide opportunities for relevant professional development.

- e. Ensure that planning and related staff are charged with responding to the recommendations and implementing them.

4. Additional Studies

Ultimately, the comprehensive, legal basis for increased promotion of infill and redevelopment will come through the creation and implementation of additional studies. Most important of these is the Comprehensive Plan, which is the over-arching policy guide for the city's development. While the updating of the Comprehensive Plan will not be complete until 2012, additional short-term studies and Small Area Plans can lay the groundwork for the more comprehensive strategy. Early steps should include a process of prioritizing potential priority areas of Neighborhoods, Corridors and Centers. The increased focus on planning will likely necessitate continued increased funding for staff and resources. The following studies should be carried out to refine/expand the planning framework and recommendations described.

- a. **Comprehensive Plan Update:** Utilize the upcoming Comprehensive Plan Update and current and future Small Area Plans to explore, refine and institutionalize the infill and redevelopment Place-Making Framework. Efforts should focus on:
 - 1) More detailed analysis of Future Land Use (including formalization of the Character Areas).
 - 2) Additional definition to industrial land use policy, including areas of industrial/employment preservation and areas where conversion of excess industrial land could be considered.
 - 3) An updated "economic base analysis" of employment sectors.
 - 4) Transportation networks serving the Framework (focus on multi-modal corridors).
 - 5) Expanded demand analysis for public infrastructure (particularly stormwater and sanitary sewers).
 - 6) Continued definition of priority Small Area Studies for more detailed study.
- b. **Infrastructure Studies:** The quality and quantity of necessary infrastructure systems is a critical success factor for encouraging new infill and redevelopment. The following studies should be considered:
 - 1) As a result of the negotiations with the Environmental Protection Agency (EPA) and as an outgrowth of new activities initiated by the Department of

Environmental Quality, a comprehensive assessment of the existing conditions for Stormwater (including a Hydrology Capacity Model), Sanitary Sewers and environmental features should be carried out.

- 2) The development and packaging of city-wide Environmental Standards for development. (See General Recommendations-Environmental Considerations for more detail, including additional support for the Green Infrastructure Plan.)

c. Transportation Studies: Federal transportation legislation mandates procedures for conducting a continuing, cooperative and comprehensive multi-modal transportation planning process in metropolitan urban areas such as Lexington. The Lexington Area Metropolitan Planning Organization (MPO) is housed in the LFUCG's Division of Planning and performs transportation planning for both Fayette and Jessamine Counties. The 2030 Transportation Plan for the Lexington Area MPO is a dynamic document that is updated every five years and amended on an "as-needed" basis. Included within this federally mandated MPO Transportation Planning process is a recognition of the transportation and land use relationship with the requirement for consideration of "local planned growth and economic development patterns" during the transportation planning process. To meet that requirement, a revalidation of the Transportation Plan should be conducted concurrently during the development of the Comprehensive Plan (just as a revalidation of the Comprehensive Plan should be conducted during the update of the Transportation Plan.) This revalidation should examine the proposed projects, programs and strategies included in the Transportation Plan to more fully define the needed network of transit, roadways, and bike/pedestrian projects that would support the planned development pattern. During development of the 2030 Lexington Area Transportation Plan update in 2009, focus should be given to:

- 1) Street improvements to develop a functionally efficient/balanced network that connects all modes of transportation, with a focus on "cross-artery" improvements for increased mobility between the major radial arteries, (i.e., Nicholasville/Limestone, Harrodsburg/Broadway, etc.), especially within New Circle Road;
- 2) Enhanced and connected pedestrian and bicycle facilities;
- 3) Improvements to existing LexTran service and expanded/enhanced transit operations incorporating new transit technologies;
- 4) A refined definition to LFUCG "Complete Streets Standards," already under development, that defines context-sensitive design solutions, visual character, connectivity standards, and provision of multiple modes of transportation for varying typologies of major and minor streets;

- 5) Completion and implementation of unified and functional wayfinding signage to major destinations within the city, for both automobiles and pedestrians.

Transportation improvements, which are identified within the Comprehensive Planning Process and not included the Lexington Area MPO Transportation Plan, would be forwarded to the Lexington Area MPO for consideration of incorporation into the Lexington Area Transportation Plan by amendment, subject to fiscal constraint requirements that appropriate project funding can be found.

- d. **Corridor Studies:** Corridors help define the physical identity of the city, they are critical links in the transportation network, and they are significant opportunities for infill and redevelopment. As such, LFUCG should incorporate and expand existing corridor improvement studies into more detailed Small Area Plans for priority Corridors. These Corridor Small Area Plans can address the linkage of land use and transportation and establish corridor-specific transportation improvements and consistent design standards.
- e. **Housing Affordability Study:** LFUCG should develop a comprehensive strategy for housing affordability that would address housing market demands through an analysis of market conditions and housing affordability.
- f. **Downtown Master Plan:** LFUCG should implement the Downtown Master Plan.

Appendix 1:

List of Committees and Task Forces

Steering Committee

Jim Gray, Co-Chair
Dr. David Stevens, Co-Chair

Tony Barrett
Steve Brown
Rebecca Burnworth
Tom Blues
Dick DeCamp
Renee Jackson
Andrea James
Chris King
Rose Lucas
Patrick McGee
Harold Tate

Core Committee

Jim Gray, Co-Chair
Dr. David Stevens, Co-Chair

Nathan Billings
Tom Blues
Gene Childress
Jimmy Emmons
Chris King
Rachel Phillips
Barb Rackers

Quality of Life Task Force

Tony Barrett, Chair

John Bird
Phil Holoubek
Patrick McGee
Mary Lou Nemecek
Cindy Olson
Rob Snyder
Harold Tate
Joan Whitman
Holly Wiedemann

Quality of Place Task Force

Steve Brown, Chair

Nathan Billings
John Carr
Peter Cassidy, III
Gwen Godfrey
Renee Jackson
Morgan McIlwain
Scott Southall
Judy Worth

Quality of Process Task Force

Rose Lucas, Chair

Rebecca Burnworth
Linda Carroll
John Dehart
Jeff Dunkin
Knox Van Nagell
Mike Meuser
Bill Pickering
Leisa Pickering
Eric Thomason
Greg Padgett

Appendix 2:

Recommendations and topics considered but not included as recommendations

A. Housing Affordability

- 1) Add commentary about the issue of affordability to the Zoning Ordinance, without that commentary being *part of* the ordinances, indicating the point at which “affordable” housing becomes subsidized housing, and adding specific numbers (i.e., income, house price, or monthly rent) to the definition of affordable housing so that the average person can quickly and easily understand what is meant by “affordable” housing.
- 2) Consider a sliding scale incentive that would increase as housing prices (measured by percentage of family income) decreased. Initiate further studies on accessibility issues (i.e., the availability of public transportation) and a comprehensive analysis of affordable safe housing.
- 3) Establish incentives that help owners who do not have money up-front for purchasing housing, and establish criteria to determine which developments are worthy of receiving incentives.
- 4) Keep income growth as a factor in the question of affordability, so that the issue is not just with the cost of the houses, but also the jobs that are available in the area. Supply and demand are out of sync in Lexington, which makes overdevelopment a real issue.
- 5) Consider a program like Louisville’s that purchases derelict or abandoned properties for redevelopment.

B. Housing Density

Household/students: One highly specific issue within the general topic of infill and redevelopment is inappropriate density of student housing that negatively impacts a neighborhood. The present definition of “Family” in the LFUCG Zoning Ordinance does not address this issue. State College, PA has adopted language in its ordinances that does address this issue. LFUCG should:

- insert “student home” into the “not including” list in the present definition of “family” in the present ordinance;
- use the State College, PA ordinance definition of “student home” as additional language to be adopted in the Zoning Ordinance;

- adopt supporting regulations for implementing density restrictions comparable to those adopted by State College, PA;
- consider appropriate geographic boundaries for the proposed ordinance.

(The relevant ordinances are included in Appendix 4.)

C. Individual Home Buyers

Help private individuals with home buying in infill and redevelopment areas in these ways: help people get insurance for older houses; procure funding to help bring older houses up to code; revisit the guidelines for securing LFUCG funds for housing rehabilitation to make it easier for individuals to access these funds.

D. Incentives

- 1) Provide incentives for retailers to encourage the growth of basic services downtown.
- 2) Initiate a neighborhood redevelopment incentive program to enable neighborhoods to become developers.
- 3) All redevelopment projects should have an open bid process to include individual builders as well as non-profit builders.
- 4) LFUCG should provide a tax break for energy-efficient homes.
- 5) LFUCG should provide a free redevelopment consultant opportunity and make fast-tracking of redevelopment projects a priority.
- 6) Provide incentives for neighborhoods to encourage homeowners and neighbors to maintain their own neighborhoods.

E. Greenways and Open Space

- 1) Combine the EPA consent decree requirements for water quality with creation of greenways and open space in a comprehensive fashion.
- 2) Use shared detention in a neighborhood to create green space and take care of water run-off.

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F. Traffic Calming

- 1) Suggest that the government explore the feasibility of enforcing the ordinances that were put in place in the 1980s.
- 2) Have developers bring a pattern book when proposing new development.

G. Utilities

- 1) Create standards for where utilities should be placed.

H. H-1:

- 1) Combine the Courthouse Overlay Board and the H-1 Overlay Board.
- 2) Review the process for approval of Certificates of Appropriateness.

I. Public Transit

- 1) Include site amenities at transit facilities. Encourage Park and Ride.

J. Zoning Flexibility

- 1) Adopt Expansion Area-type zoning in the areas near downtown, or enact a Downtown Planned Urban Development (PUD) zone.

K. Underutilized Parcel Survey

- 1) Make the addresses of the properties available for each category
- 2) Define the boundary of “Downtown” as it relates to the UPS
- 3) Provide the opportunity to comment on the UPS (regarding individual properties)
- 4) Provide answers to the following questions:
 - What is considered the boundary of Downtown (with regard to the UPS)?
 - What were the criteria used to determine what was underutilized and how were those criteria determined? / What were the categories used and how were they defined?
 - What is the definition of “underutilized”?
 - How can I get a property removed from the “underutilized” (or any other) category?

Appendix 3:

Descriptions of strategies and incentives

1. **Code Enforcement:** Code Enforcement prevents and abates violations on private property such as vacant, poorly maintained and dangerous buildings, illegal dumping, etc. Code enforcement is an important way to protect existing residents and to encourage redevelopment in infill areas. If tenants and community partners participate in the code enforcement process it will prevent resident displacement, significant rent increases and will ensure that buildings in gentrifying neighborhoods remain affordable. Housing code enforcement can benefit the community when local government specifically negotiates improvements linked to long-term affordability, and also when tenant associations negotiate transfer of ownership and develop long-term preservation as affordable housing for themselves and their successors. Code enforcement is most beneficial when a broad spectrum of tenant and neighborhood groups develop a common perspective on using housing code enforcement to achieve results.
2. **Community Land Trust:** A Community Land Trust is a private non-profit corporation created to acquire and hold land for the benefit of the community and provide secure affordable access to land and housing for community residents. Community Land Trusts strengthen communities by providing high quality permanently affordable, sustainable housing for low- and moderate-income multi-generational households. Community Land Trusts are flexible in their revitalization approaches and work within the priorities set by the community. Most focus on increasing home ownership, while others have acted as developers of special needs housing or group homes, rental housing, and commercial space for lower income entrepreneurs. Community Land Trusts gain control over local land use, provide affordable housing, promote resident ownership, keep housing affordable for future residents, capture the value of public investment for long term community and build a strong base for community action.
3. **Density Bonuses:** Density Bonuses are designed to reward developers who include affordable housing in their projects by giving them the opportunity to include additional units without having to purchase more land. Developers receive non-monetary compensation, such as allowing them to build at a greater density than residential zones typically permit. Density Bonuses allow developers to build smaller or differently configured units, relative to market rate units, reducing construction and land cost. Increasing the maximum allowed density for infill areas in the city's zoning regulations is an important incentive because higher densities permit more intensive development of a parcel, which in turn allows the developer the opportunity to spread development costs over more units.
4. **Expedited permitting process:** An expedited permitting process can provide fast track permitting when applied within targeted infill and redevelopment areas. This would allow developers of infill parcels to get their application processed ahead of non-infill

applications. Some localities consolidate permit processing to allow concurrent review and processing of related development permits. Since developers face holding costs during the development review process, long delays jeopardize the financial viability of a project. Infill projects with slim profit margins can benefit substantially from speedy development review and approval and thereby become an incentive for infill development. Related strategies include “one stop” centers for processing applications and assignment of a city staff member as a point person to help navigate a project through the various departments and processes that constitute the development review process.

5. **Federal Historic Tax Credits:** The federal government has established a number of criteria that must be satisfied to qualify for either the 20 percent or the 10 percent federal rehabilitation tax credit. These stipulations relate to the property itself and the specifics of the planned rehabilitation project.

The building's historic significance is the key to whether the project may be considered for the 10 percent or the 20 percent rehabilitation tax credit. Only a certified historic structure is eligible for the 20 percent credit. This is defined as a building that is listed individually on the National Register of Historic Places or that contributes to a National Register, state or local historic district that has been certified by the Secretary of the Interior.

If a property does not meet 20 percent credit conditions, it may qualify for the 10 percent credit as a non-historic, non-contributing structure. This means the property was placed-in-service before 1936, is ineligible for individual listing on the National Register, and does not contribute to a National Register, state or local historic district that has been certified by the Secretary of the Interior.

The key project related criteria for both the 10 percent and 20 percent credits is that the property be income-generating or used in trade or business. Thus, the rehabilitation of owner-occupied residential properties does not qualify for the tax credit.

6. **Form-Based Codes:** Form-based codes are a means of regulating development to achieve a specific urban form. Form-based codes create a predictable public realm by controlling physical form primarily, with a lesser focus on land use, through city or county regulations. Form-based codes are a new response to the modern challenges of urban sprawl, deterioration of historic neighborhoods, and neglect of pedestrian safety in new development. Form-based codes are a tool used to address deficiencies created by widespread adoption by cities of single-use zoning. Form-based codes commonly include the following elements: Regulating Plans, Building Form Standards, Public Space/Street Standards, and Definitions to ensure the precise use of technical terms.

The utilization of a form-based code can assist in the development of increased forms of mixed-income housing, which allows for more diverse populations in communities

and neighborhoods. These communities, in turn, create diverse labor forces while addressing the issues associated with affordable housing. Mixed-income housing minimizes race and income segregation. Zoning ordinances have historically been effectively used as tools of exclusion. The effect of zoning exclusion has been to segregate communities by income and race. Suburban jurisdictions in particular have used zoning powers to require minimum lot sizes, minimum home sizes and prohibitions on apartment buildings that make it almost impossible to build affordable housing in these communities. The result is that very low-, low- and moderate-income families are excluded from these communities, thus being denied access to strong schools, job centers and opportunity networks. Form-based codes reverse this trend by turning zoning into a tool for promoting mixed-income communities and enabling low- to moderate-income families to benefit from urban reinvestment.

7. ***Inclusionary Zoning:*** Inclusionary Zoning refers to city planning ordinances that require a given share of new construction to be affordable to people with low to moderate incomes. The term Inclusionary Zoning is derived from the fact that these ordinances seek to counter exclusionary zoning practices which have the effect of excluding affordable housing from a municipality through the zoning code. These policies involve placing deed restrictions on 10% - 30% of new houses or apartments in order to make the costs of the housing affordable to lower-income households. This practice helps to provide a wider range of housing options than the market provides on its own. Most Inclusionary Zoning is enacted at the local level.
8. ***Land Assemblage:*** Land Assemblage is defined as acquiring two or more adjoining properties and piecing them together to create a development. Assemblage can be done for residential or commercial land usage, depending on the purpose. The process for land assemblage should be expedited.

A possible consideration could be Land Assemblage Tax Credits, which may require state legislation. The requirements could include having eligible parcels of land located within a project area to be redeveloped and must be acquired before the applicant begins condemnation proceedings. Tax credits may be carried up to six years or be sold.

9. ***Low Income Tax Credits:*** The Federal Low-Income Housing Tax Credit program is run by the IRS and allows companies to invest in low-income housing, while receiving 10 years of tax credits. The program is administered by the Kentucky Housing Corporation. Many local housing and community development agencies have effectively used these tax credits to raise equity for developments that otherwise would not have been built or purchased and rehabilitated. The purpose of the tax credit is to increase the supply and availability of low-income rental housing by offering incentives to developers. Federal Low Income Housing Tax Credits enable property owners to claim a tax credit equal to 30% or 70% of a project's present value, depending on the type of project. The tax credit is claimed over a period of 10 years and can be realized either through the sale of tax-exempt bonds or through an allocation from the Kentucky Housing Corporation.

10. **Management Districts:** Management Districts are created to collect fees from businesses and provide additional services within a geographic boundary. They serve as an incentive through their creation of increased visibility for a recognizable district, and through coordination of marketing and other services.
11. **Mixed Income Housing:** Creating Mixed Income Housing allows for more diverse populations in communities and neighborhoods. These communities in turn create diverse labor forces while addressing the issues associated with affordable housing. Mixed Income Housing minimizes race and income segregation. Zoning ordinances have historically been effectively used as tools of exclusion. Suburban jurisdictions, in particular, have used zoning powers to require minimum lot sizes, minimum home sizes and prohibitions on mixed uses. One example of addressing mixed use zoning can be through the utilization of form based codes.
12. **New Market Tax Credits:** The New Market Tax Credits (NMTC) is a federal program that permits taxpayers to receive credit against federal income taxes for making qualified equity investments. The purpose of the credit is to stimulate increased investment and economic growth in low-income communities. The NMTC stimulates investments in commercial real estate and business ventures in low-income rural and urban areas. The tax credits can be used to finance community development projects, but not in conjunction with projects already benefiting from other federal tax subsidies. The credit is provided to the investor over a seven-year allowance period. Compliance is mandatory for seven years.
13. **On-line Permitting and Tracking:** This program would provide the necessary information required to efficiently manage the code and permitting process, by tracking and managing projects and ascertaining at what stage the project may be and its status. Compliance issues may be tracked, resolutions of conflicts can be detected and identified early, case management improves, and real-time tracking would be available for all agencies, divisions, and departments.
14. **Parking Regulations:** Parking strategies and solutions can be a crucial component of any infill and redevelopment strategy. Parking fees and pricing assist in the effort to encourage alternative methods of travel such as public transportation, carpooling, bicycling and walking. Current zoning codes and development practices tend to require generous amounts of parking. Parking management includes various strategies to use available parking more efficiently and reduces the amount of parking required by new development. Some requirements for on-site parking may be inappropriate or unnecessary for infill areas where transit services and other alternatives to auto use exist.
15. **Reduced Carrying Costs:** Carrying costs are those monies encumbered during the development process between the start of the project and the selling or occupancy of the completed project. If the carrying costs of development are lessened, then the developer is under less pressure to try and force approvals through the process,

thereby reducing the pressure and demand on the time it takes for governmental reviews and inspections.

16. **State Historic Tax Credits:** The Historic Tax Credit is administered by the Kentucky Heritage Council for the purpose of the rehabilitation of income-producing historic structures and the revitalization of historic neighborhoods. Thirty percent state tax credit is available for owner-occupied residential properties with a minimum investment of \$20,000, with the total credit not to exceed \$60,000. A twenty percent credit is available to properties rehabilitated for income producing purposes, including commercial, industrial, agricultural, rental residential or apartment use. The credit cannot be used to rehabilitate your personal residence in which you live. Only a certified historic structure is eligible for these credits. This is defined as a building that is listed individually on the National Register of Historic Places or that contributes to a National Register, state or local historic district that has been certified by the Secretary of the Interior.
17. **Tax Abatement:** Tax abatement is a targeted reduction or elimination of a firm's local tax bill -- usually the property tax obligation. Such programs are authorized by state legislation and implemented by local governments. Such abatements fall into the broad category of tax expenditures, and often are part of the package of development inducements offered in enterprise zones. Tax abatement is an incentive that can be utilized by cities to encourage the redevelopment of blighted areas by providing real property tax abatement and eminent domain. Tax abatement is also a tool for local governments to expand the economy. By encouraging new investment, tax abatement will increase or maintain the basic employment in the community, encourage redevelopment of deteriorated areas, and/or stimulate investment in specific areas of a community. Tax abatement is one of the primary incentives available to local government to promote economic development.
18. **Tax Increment Financing (TIF):** TIFs are used to encourage economic growth and development, financing of facility improvements for eligible public purpose projects and to enhance economic value in communities. Kentucky has established a comprehensive statewide tax increment financing program available in every city and county in Kentucky. Of the two types, one type is available for vacant land and cannot ask for state participation. The second type of TIF is primarily for the redevelopment of blighted areas and qualifies for state participation if certain requirements are met. It is important to note that no new taxes would be imposed.

Appendix 4:

LFUCG and State College, PA ordinances regarding density of student housing

Family - (LFUCG) A person living alone, or two or more persons customarily living together as a single housekeeping unit and using common kitchen facilities, but not including a group occupying a hotel; club; boarding, lodging, fraternity, or sorority house; nursing home; rest home; orphanage; community residence; rehabilitation home or other similar building.

Student Home - (State College, PA) A living arrangement within a one-family or two-family dwelling by persons unrelated by blood, marriage or legal adoption, who are attending undergraduate or graduate programs offered by colleges or universities or are on semester break or summer break from studies at colleges or universities, or any combination of such persons. The residents of a student home share living expenses and may live and cook as a single housekeeping unit. **Exception:** Student homes shall not include fraternities, sororities, rooming houses, multiple dwellings or subordinate apartments or rooms offered for let in one-family dwellings when the dwelling is occupied by a family that is the recorded owner of record by title.

Appendix 5:

Glossary of Terms

Access Management - The planned, systematic control of the location, spacing, design, number and operation of driveways, median openings, interchanges and street connections to a roadway.

Affordable Housing Unit - A dwelling unit that is provided for sale to an owner-occupant household with an income that does not exceed 80% of median income (adjusted for family size) for Lexington-Fayette County, or for rent to a household with an income that does not exceed 80% of the median income (adjusted for family size) for Lexington-Fayette County. For the purposes of this report, a unit shall be deemed affordable to a renter household if the total rent, including any tenant-paid utilities, does not exceed 30% of the household's income.

Amortization - The gradual elimination of a use (e.g., amortization of non-conforming signage that does not comply with current local sign regulations) by requiring the termination of the use after a specific period of time, generally based on the rate of economic depreciation of the use.

Bicycle and Pedestrian Plan - A plan, adopted in 2007 as a component of the Transportation Plan (which is an element of the Comprehensive Plan) for the Lexington-Fayette County MPO (Metropolitan Planning Organization). The Bicycle and Pedestrian Plan addresses the needs, goals and recommendations for bicycle and pedestrian facilities.

Board of Architectural Review - The Board responsible for review and determination of appropriateness for an exterior change to a property within a local historic overlay (H-1) district. Their review and determination of appropriateness for a change to a property are based on the design guidelines adopted by the local Historic Preservation Commission.

Brownfield - Abandoned, idled or underutilized industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination from past business practices.

Capital Improvement Project - A proposal for future development projects (e.g., providing, improving or replacing a public facility) and their respective cost estimates, listed according to priority. Capital Improvement Projects are generally large in scale and high in cost. The cost of a CIP is generally non-recurring and may require multiple years of financing.

Center - One of several major commercial and/or cultural areas within Lexington-Fayette County (to include Downtown, regional centers such as Hamburg, and smaller-scale town and neighborhood centers).

Certificate of Occupancy - Issued by the Division of Building Inspection, a Certificate of Occupancy certifies that a building and/or use of a property (or the premises itself) is in conformance with the provisions of the Zoning Ordinance and is able to be occupied. It is the duty of Building Inspection to issue a Certificate of Occupancy if it is found that all of the provisions of the Zoning Ordinance have been met, and to withhold such certificate unless and until those requirements have been met.

Character Area - A geographic area within the larger city framework that contains unique physical conditions and that has a similarly defined growth management policy for the entire area.

Community Development Block Grant - A grant program administered by the U.S. Department of Housing and Urban Development (HUD), and sometimes by the State Department of Housing and Community Development, that provides money for community rehabilitation and development (e.g., housing rehabilitation, public facilities and economic development).

Complete Streets Standards - A policy to accommodate all forms of transportation (i.e., pedestrian, bicycle, vehicular and mass transit) within the street right-of-way.

Comprehensive Plan - The Comprehensive Plan is the planning document that provides a guide for public and private actions/decisions to ensure that the development of property (both public and private) is appropriate relative to surrounding properties. The Comprehensive Plan must include all the elements required by KRS 100 (Kentucky State Law).

Context-Sensitive Design - An interdisciplinary approach to development/redevelopment design that ensures that a development or structure fits with its physical setting and surrounding architecture, while preserving aesthetic, historic and environmental resources.

Corridor - Part of the primary roadway system, a corridor links neighborhoods and centers (e.g., Limestone Street/Nicholasville Road, Versailles Road, Richmond Road, Broadway/Harrodsburg Road). Corridors help to define the city's transportation network by providing major connectors between destination points within the city.

Courthouse Area Overlay Board - The Board responsible for review and application of the adopted design guidelines with regard to physical/exterior changes to properties located within the defined Courthouse Area in Downtown Lexington.

Design Guideline - A standard designed and written to preserve the historic or architectural character of a site or building.

Design Standard - A specific development objective or criterion that serves to limit the impact of land uses or development. A design standard requires specific dimensional

standards or construction techniques and relates to considerations such as site organization, landscaping, architecture and site details of projects under review.

Downtown Master Plan - The master plan that is intended to guide the revitalization of the downtown area. The downtown area encompasses not only the Downtown Core, but several residential neighborhoods surrounding the Core, extending to Fourth Street to the north, as well as the industrial area along Manchester Street, a portion of the University of Kentucky campus, and a portion of Midland Avenue, which forms the eastern edge. The western edge of the study area is just west of the Northside and the Western Suburb neighborhoods.

Expansion Area - The 5,400-acre area added to the Urban Service Area in 1996, the purpose of which was to manage Lexington-Fayette County's growth in a such way that would sustain the needs and requirements of the urban area while preserving the character of the rural area. The Expansion Area provides for a range of land uses, from low density residential to economic development areas; and includes uses such as parks, community centers and conservation areas.

Floor Area Ratio - The floor area (entire square footage) of a building on a lot, divided by the ground area of the lot on which it is located.

Green Building - A "whole-building" approach to sustainability, attained by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection and indoor environmental quality.

Green Infrastructure - An interconnected network of waterways, wetlands, woodlands, wildlife habitats and other natural areas; greenways, parks and other conservation lands; working farms, ranches and forests; and wilderness and other open spaces that support natural species, maintain natural ecological processes, sustain air and water resources, and contribute to the general health and quality of life.

Greenfield - Undeveloped land, either currently used for agriculture or just left to nature.

Greyfield - Former viable retail and commercial shopping sites (such as regional malls and strip centers) that suffer from lack of reinvestment and have been "outclassed" by larger, better designed, better anchored malls or shopping sites. They may also be referred to as "dead malls" or "ghost boxes" if the anchor or other major tenants have vacated the premises, leaving behind empty shells.

Infill - The development of vacant or by-passed land within the existing development area. Infill does not include the revision or replacement of an existing building. Infill, for the most part, involves small-scale development of scattered vacant or by-passed parcels; but it can encompass the assemblage and development of larger tracts of land as well.

Land Bank Program - A program that acquires unproductive, vacant and developable lots for affordable single-family housing development. The Land Bank helps to both reduce unproductive expenditures and increase local government revenues. Ultimately, Land Bank sites will be sold at a discount to either non-profit or for-profit developers to construct affordable housing projects.

Land Subdivision Regulations - The regulating document for all land subdivision in the community. The Land Subdivision Regulations contain procedures to be followed in the subdivision process; specifications for the content and format of all subdivision plats; basic requirements for street and land use design; specifications for physical improvement of a property or improvements to streets and utilities or other facilities, etc.

LEED - Leadership in Energy and Environmental Design (LEED) is a rating system that sets voluntary standards and a certified program for high-performance, environmentally responsible buildings. The LEED system includes all building types (i.e., residential, commercial, office or industrial) and is based on site planning, water management and efficiency, energy management and materials used.

LFUCG Consolidated Plan - The 5-Year Strategic Plan, presented to the U.S. Department of Housing and Urban Development, that provides the goals and objectives, as well as a prioritized action plan, addressing housing and community development needs. Its mission is to “provide for the development of a viable urban community by providing decent housing, a suitable living environment, and expanded economic opportunities principally for persons of low and moderate income.”

Live Where You Work Program - Sponsored by the LFUCG Division of Community Development, this program is an employer-assisted housing program that is currently funded by the U.S. Department of Housing and Urban Development’s HOME program and the LFUCG general fund. The program provides a maximum of \$7,400 toward the down payment and closing costs of a home. There are eligibility requirements associated with the program, and there is a defined area that surrounds the downtown area where the program is applicable.

Management District - A rather small part of a geographic area, considered with regard to its inhabitants or the distinctive physical and market characteristics of an area, neighborhood, corridor or quarter. The district is managed and protected by a local agency/group in order to protect the important characteristics identified as part of the area.

Mixed-Income Housing Unit - A dwelling unit provided for sale to an owner-occupant household with an income that does not exceed 95% of median income (adjusted for family size), or for rent to a household with an income that does not exceed 80% of the median income (adjusted for family size) for Lexington-Fayette County. A unit shall be deemed a mixed-income housing unit for an owner-occupant if the total amount of principal, interest, taxes and insurance does not exceed 36% of the household’s income; and a unit shall be deemed affordable to a rental household if the total rent, including any

tenant-paid utilities does not exceed 30% of the household's income. In the alternative, a fixed price may be set for a mixed-income housing unit for sale to an owner-occupant if the total principal and interest (for a 30-year mortgage) does not exceed 30% of the total household income for a family of four at 80% of the median income for Lexington-Fayette County; also, if the unit is for rent, the maximum monthly rent may not exceed 1% of a household income that is at 80% of the median income for Lexington-Fayette County.

Mixed Use - As it relates to this document, mixed use refers to the mixing of residential and non-residential uses within the same development or on the same property.

Multi-Modal (Transportation) - Capable of accommodating multiple modes of transportation; including, but not limited to automobile, bicycle facilities, pedestrian, public transit and rail.

Neighborhood - A neighborhood is predominantly a residential area, often with defined boundaries and, in general, contains a similar design character in its architecture. Although predominantly residential in nature, in many cases neighborhoods are also characterized by churches, schools and small-scale commercial enterprises.

Non-Conforming Sign - A sign that was lawfully in existence prior to the adoption of the current Zoning Ordinance, but that fails to conform to the current sign regulations.

Overlay District (H-1, Courthouse Area and ND-1) - A significant concentration, linkage or continuity of sites, buildings, structures or objects that are united historically or aesthetically by either plan or physical development. Properties within any of the local overlay districts carry an overlay designation in addition to the underlying (base) zoning category of the properties. The properties located within the Courthouse Area Overlay and H-1 Districts are subject to a design review process, based on specific design guidelines, prior to making any exterior changes to the property. The ND-1 (Neighborhood Design) overlay provides for key characteristics of a particular neighborhood or area to be preserved for either new (infill) construction or replacement of existing structures. There are no specific design guidelines or review processes applicable to ND-1.

Pedestrian Pocket - A small geographic area defined by a comfortable walking distance from its center (i.e., its main destination, which could be a major street, a shopping area, etc.), generally no more than a ¼-mile radius from the defined destination. The area often has more intensive regulations and public improvements for pedestrian and bicycle access, given the higher volume of non-vehicular traffic.

Redevelopment - The revision or replacement of an existing building through acquisition, clearance or rebuilding of a previously developed area for the purpose of achieving long-range land use and social goals. Redevelopment of a structure refers to the physical upgrading of materials and support systems, while retaining a building's original use.

SAFETEA-LU Funds (formerly known as TEA-21/Transportation Enhancements) - Funds contributed by the federal highway transportation program to enhance the cultural, aesthetic and environmental impacts of local transportation and transit systems. SAFETEA-LU is the acronym for Safe, Accountable, Flexible, Efficient Transportation Equity Act - Legacy for Users.

Shared Detention Facility - A detention facility is put in place within a development for the temporary retention of storm water. A shared detention facility is one that is shared by more than one development.

Small Area Plan - A planning document that results from a Small Area Study, the intent of which is to guide growth and development or redevelopment in order to promote neighborhood stability and, in some cases, revitalization.

Small Area Study - An intense study of a particular segment of the community that generally results in a Small Area Plan. A Small Area Study includes the identification of the area to be studied, a survey of existing land use patterns, a review of existing public facilities, and the cultural and social conditions of the study area. The study is designed to be responsive to the conditions, needs and issues of concern in the study area; to clearly define preferred land uses; and to provide more specific plans for those areas than can be addressed in the community's Comprehensive Plan.

Streetscape - The combined elements of a roadway that give it a particular character; to include landscaping, hardscape materials, signage, architecture, setbacks and heights of structures, etc.

Sustainable Design - Meeting the needs of the present while ensuring that future generations will have the same or better opportunities. Sustainability issues include energy efficiency; alternative fuel sources; indoor air quality; storm water management and land use planning, all of which are intended to minimize damage to the environment.

Tax Increment - Additional tax revenue that results from increases in property values due to new development within a redevelopment area.

Tax Increment Financing - Tax Increment Financing consists of local governmental financing of private sector redevelopment, anticipating the additional revenues of the tax increment.

Traffic Calming - The process of increasing pedestrian safety by way of reducing automobile speed and volume. Traffic calming can be accomplished in various ways, such as narrower street widths, speed humps, on-street parking, etc.

Transit-Oriented Development - Moderate or high density housing, generally concentrated in mixed-use developments that encourage use of public transportation.

Underdeveloped Property - Property or land that is not developed in a manner that allows or promotes its full economic potential.

Underutilized Property - Individual land (tax) parcels that are not developed or utilized to their full potential. These parcels may exhibit characteristics of physical deterioration (including structures and land), vacancy or abandonment. They may also be open lots, including green spaces.

Urban Growth Boundary - The perimeter around the Urban Growth Area (or Urban Service Area), which is the area designated for urban development, usually designed to protect open space or resources beyond its boundaries.

Urban Service Boundary - The boundary that defines the area for existing and planned growth and separates the Urban Service Area from the Rural Service Area. The Urban Service Area concept, which originated in 1958, is still considered a progressive model for growth management and has been cited nationally as a model for development. Lexington-Fayette County has relied on this planning principle for years to provide for urban growth and to preserve areas for agricultural activities (i.e., the Rural Service Area).

Zoning Ordinance - Lexington-Fayette County's regulating document for land uses. It defines uses that are allowed in a particular zone, as well as setbacks and other dimensional requirements (such as height of buildings) of each zone. The Zoning Ordinance is the implementing document of the Comprehensive Plan.

Appendix 6:

Handouts from Task Force meetings

(These handouts are available on the LFUCG web site:
<http://www.lfucg.com/planning/infill.asp>)

Quality of Place Task Force

1. Budget Process flowchart
2. Stormwater Priority Projects Master List
3. Inserts from the Community-Wide Congestion Management Study Update
4. Infill and Redevelopment Sub-Areas - Quality of Place Task Force
5. 2000 Census Tract Information, Housing Characteristics for Census Tracts 9, 10, 19, 20, 26 and 30
6. Top Priority Transportation Projects
7. SLX Project Map - State 6-Year Plan
8. Insert maps from MPO Bicycle and Pedestrian Master Plan
9. Associated Press article regarding Kentucky General Assembly HB 44
10. Minutes and staff reports - PC and Board of Adjustment cases in and around Versailles Road
11. Memo regarding fire access response issues

Quality of Process Task Force

1. Building Permit Flowchart
2. Zone Change Flowchart
3. Recommendations from Downtown Master Plan
4. Historic Preservation Federal and State Tax credit description
5. Boundary map depicting the Urban Service Area, Infill and Redevelopment Regulatory Boundary, Downtown Design Area, Courthouse Overlay Zone, Historic Preservation Districts and National Register Boundaries.
6. Case Study: Louisville Metro Development
7. Review of Elements in H-1 Districts
8. Planning Commission Filing Schedule
9. Sample of Planning Commission agendas
10. Interpretation of Land Use Map and categories
11. Steps involved in appeals
12. Sampling of Board of Architectural Review applications since 2001
13. Definition of Family in Zoning Ordinance
14. Kentucky Case Law: Regulation of Housing
15. State College, PA Zoning Ordinance regarding the regulation of Student Housing

Quality of Life Task Force

1. List of Incentives currently listed on the LFUCG website
2. Rector-Hayden Market Report
3. Census Information regarding Housing and Economic data
4. Information regarding density bonuses (Residential Density Bonus Ordinance from Martinez, CA and other incentive options)
5. Overview of Community Land Trusts and other information related to CLTs
6. Overview of Land Bank Program under KRS 65.350-65.375
7. List of Louisville Metro Development Incentives
8. Summary of HB 549 (TIFs)
9. Memo regarding form-based codes and article, *Form-Based Codes: Implementing Smart Growth*
10. Definitions of Affordable Housing and Mixed Income Housing
11. December 2006 and March 2007 *Zoning Practice* articles

Appendix 7:

Development Review Process Map

